

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

INTEGRATION MEDIA, INC., *et al.*,

Defendants.

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CASE NO. 1:09-cv-1776

OPINION & ORDER

[Resolving 09-cv-1211 Doc. No. [27](#)]

[Resolving 09-cv-1776 Doc. No. [36](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Federal Trade Commission (“Commission”) moves this Court to consolidate this matter for discovery and trial with a case previously filed: Federal Trade Commission v. 6253547 Canada, Inc., et al., Case No. 1:09-cv-1211 (“Case 1211”). Because both actions before the Court involve common questions of law and fact, the Court **GRANTS** the motion and **ORDERS** that the cases be consolidated under Case No. 1:09-cv-1211.

The Commission filed its Complaint in Case 1211 against 625347 Canada, Inc., et al., on May 24, 2009. [Doc. [1](#).] The Commission alleged that the Defendants had engaged in false and misleading business practices relating to the sale of listings in an internet business directory, in violation of Section 5(a) of the Federal Trade Commission Act, [15 U.S.C. § 45\(a\)](#). [Doc. [1](#).] No Defendant has filed an Answer to the Complaint.

On May 27, 2009, the Commission filed a separate Complaint against Integration Media, Inc., et al., in the Northern District of Illinois, Case No. 09-cv-1776 (“Case 1776”) . [Doc. [2](#).] This case was transferred to the Northern District of Ohio on July 22, 2009, [Doc. [33](#)], and subsequently reassigned to this Court on July 31, 2009. [Doc. [35](#).] In Case 1776, the Commission similarly alleged

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that the Defendants had engaged in a plan, program, or campaign to deceptively sell listings in an internet business directory, in violation of Section 5(a). [Doc. [2](#).] No Defendant has filed an Answer to the Complaint.

Rule 42(a) of the Federal Rules of Civil Procedure permits consolidation of separate actions that involve common questions of law or fact. [FED. R. CIV. P. 42\(a\)](#). The Court has broad discretion to consolidate cases, taking into consideration judicial economy and the risks of separate, inconsistent adjudications. [Cantrell v. GAF Corp.](#), 999 F.2d 1007, 1011 (6th Cir. 1993).

Here, common questions of law and fact permeate the two cases, and the efficient use of judicial resources supports consolidation. The Complaints in Cases 1211 and 1776 are nearly identical. In each, the Commission alleges that the Defendants, all individuals and firms located in Montreal, Canada, used deceptive telemarketing practices to solicit internet directory listings and subsequent payments from small businesses and nonprofit organizations. [Doc. [1](#) & [2](#).] Moreover, the Complaints indicate that the separate Defendants made similar representations and used similar tactics in dealing with consumers. [Doc. [1](#) & [2](#).] Finally, both Complaints bring claims for violations of Section 5(a) of the Federal Trade Commission Act, [15 U.S.C. § 45\(a\)](#). [Doc. [1](#) & [2](#).]

Therefore, this Court **GRANTS** the Plaintiff's Motion for Consolidation.

IT IS SO ORDERED.

Dated: August 24, 2009

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE